

FORM PTO-1390 (Modified)  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

00960,569

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/509,648

INTERNATIONAL APPLICATION NO.  
PCT/US98/22655INTERNATIONAL FILING DATE  
26 October 1998 (26.10.98)PRIORITY DATE CLAIMED  
27 October 1997 (26.10.97)

TITLE OF INVENTION

ENHANCEMENT OF MORPHOGEN ACTIVITY

APPLICANT(S) FOR DO/EO/US

CHARETTE, Marc F., RUEGER, David C., HIGGINS, Dennis

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

Statement Claiming Small Entity Status

Request for Four-Month Extension of Time with fee

Postcard

Check

Express Mail Label No. EL390879861US

Date of Delivery: October 5, 2000

10/10/2000 LLANDGRA 00000021 09509648

01 F:218

695.00 0P

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) <b>09/509,648</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US98/22655</b>		ATTORNEY'S DOCKET NUMBER <b>00960-569</b>	
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<p>21. The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :</b></p> <p><input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$970.00</b></p> <p><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$840.00</b></p> <p><input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$690.00</b></p> <p><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$670.00</b></p> <p><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$96.00</b></p> <p style="text-align: center;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p> <p>Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:15%;">RATE</th> <th style="width:15%;"></th> <th style="width:15%;"></th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">- 20 =</td> <td style="text-align: center;">0</td> <td>x \$18.00</td> <td></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">- 3 =</td> <td style="text-align: center;">0</td> <td>x \$78.00</td> <td></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5">Multiple Dependent Claims (check if applicable) <input type="checkbox"/></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: center;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5">Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable) <input type="checkbox"/></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>SUBTOTAL =</b></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5">Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).</td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable) <input checked="" type="checkbox"/></td> <td style="text-align: right;"><b>\$40.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td style="text-align: right;"><b>\$40.00</b></td> </tr> <tr> <td colspan="5"></td> <td style="text-align: right;">Amount to be: refunded \$</td> </tr> <tr> <td colspan="5"></td> <td style="text-align: right;">charged \$</td> </tr> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	- 20 =	0	x \$18.00		<b>\$0.00</b>	Independent claims	- 3 =	0	x \$78.00		<b>\$0.00</b>	Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					<b>\$0.00</b>	<b>TOTAL OF ABOVE CALCULATIONS =</b>					<b>\$0.00</b>	Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable) <input type="checkbox"/>					<b>\$0.00</b>	<b>SUBTOTAL =</b>					<b>\$0.00</b>	Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).					<b>\$0.00</b>	<b>TOTAL NATIONAL FEE =</b>					<b>\$0.00</b>	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable) <input checked="" type="checkbox"/>					<b>\$40.00</b>	<b>TOTAL FEES ENCLOSED =</b>					<b>\$40.00</b>						Amount to be: refunded \$						charged \$	<p><b>CALCULATIONS PTO USE ONLY</b></p>	
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☒ A check in the amount of **\$40.00** to cover the above fees is enclosed.

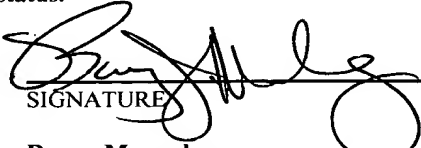
☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0311** A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**ELRIFI, Ivor R.**  
**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**  
**One Financial Center**  
**Boston, Massachusetts 02111**  
**United States of America**

  
SIGNATURE

**Barry Marenberg**  
NAME

**40,715**  
REGISTRATION NUMBER

**October 5, 2000**  
DATE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Charette *et al.*  
ASSIGNEE: CREATIVE BIOMOLECULES, INC.  
SERIAL NUMBER: 09/509,648 EXAMINER: Not Yet Assigned  
FILING DATE: March 30, 2000 ART UNIT: Not Yet Assigned  
INT'L FILING DATE: October 26, 1998 INT'L APPLICATION NO.: PCT/US98/22655  
FOR: ENHANCEMENT OF MORPHOGEN ACTIVITY

October 5, 2000  
Boston, Massachusetts

**Box PCT**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. §371**

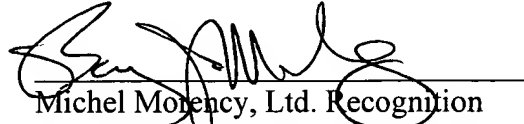
In response to the Notification of Missing Requirements Under 35 U.S.C. §371, mailed 08 May 2000 (08.05.00), for filing in the above-referenced patent application are the following documents:

- ☒ an executed Combined Declaration and Power of Attorney form [9 pp.];
- ☒ an Assignment [10 pp.];
- ☒ a Small Entity Statement [2 pp.];
- ☒ a Petition for a four (4) month extension of time under 37 C.F.R. §1.136(a) [1 pg.];
- ☒ a check in the amount of \$735.00 (check # 6897) for a four (4) month extension of time as set forth in 37 C.F.R. §1.17(a)(2) and fee for recording assignment (37 C.F.R. §1.21(h); and
- ☒ a Return Postcard.

Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 00960-569. A duplicate of this Response is enclosed herewith.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michel Morency', is written over a horizontal line.

Michel Morency, Ltd. Recognition  
Barry Marenberg, Reg. No. 40,715  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Dated: October 5, 2000  
**X10/8/00**

TRADOCS:1383002.1(TN4Q01!.DOC)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

RECEIVED  
MAY 10 2000

U.S. APPLICATION NO. 09/509648	FIRST NAMED APPLICANT CHARETTE	ATTY. DOCKET NO. M 00960-569
INTERNATIONAL APPLICATION NO. PCT/US98/22655		
I.A. FILING DATE 26 OCT 98		PRIORITY DATE 27 OCT 97
DATE MAILED: 08 MAY 2000		

IVOR R ELRIFI  
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☐ a non-English language.
  - ☒ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_.
- ☐ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

<input type="checkbox"/> File Folder	_____
<input type="checkbox"/> Data Entry	_____
<input checked="" type="checkbox"/> Docket Entry	_____
<input checked="" type="checkbox"/> Docket Cross Off	26 OCT 98
<input type="checkbox"/> Previously Entered	_____
<input type="checkbox"/> No Docketing Req	_____
<input type="checkbox"/> Order Copies	_____
<input type="checkbox"/> Annuities	_____

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
    - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Karen Williams

Telephone: 703-305-3688